

### **REMARKS**

The Final Office Action of August 23, 2007 has been carefully reviewed and these remarks are responsive thereto. Claims 1-12 and 15-40 are pending in this application. The Office Action rejected claims 1-12 and 15-40. Reconsideration and allowance of the instant application is respectfully requested in view of the following remarks.

#### **Claim Rejections Under 35 USC §103**

Claims 1-8, 10-12 and 16-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2004/0034853 to Gibbons *et al.* (hereafter Gibbons). Applicants respectfully traverse this rejection.

Independent claim 8 recites the feature of “generating by the client device in a **wireless browser independent manner** an initiation request....” One of the benefits provided by this is a reduction in the required memory and/or a reduction in power consumption. This is because, as explained in the specification as filed as, pg. 2, ln. 11-18:

While browsers are effective mechanisms for downloading applications, they utilize a protocol stack, and the combination of the browser and the protocol stack consume in a client device a substantial portion of the available memory and processing power. Even when a browser is not being used, it often continues to run in the background, thereby continuing to consume valuable memory and processing power.

Thus, generating the initiation request as recited above potentially provides significant and useful benefits. Gibbons, in contrast, fails to disclose the above concept – indeed Gibbons fails to even mention a protocol stack. The Examiner, however, suggests that Gibbons discloses the above feature of claim 8, stating that:

40. As to point (a), the examiner respectfully disagrees and submits that Gibbons' system can be implemented in various network environments, which includes a wireless network environment [pg. 4, paragraph 50; 100, Fig. 1], and user (through the MT) initiating downloading of a DO through a DA in which the DA is a MT device application for retrieving a list of available DO for download from an ADS in communication with the wireless network environment [pg. 4, paragraph 52; 105, Fig. 1; pg. 6, paragraphs 74-75] which clearly satisfy the limitation above.

Final Office Action, pg. 9. These cited sections, however, make no mention of the feature “generating by the client device in a **wireless browser independent manner** an initiation request....” For example, paragraph 50 fails to include any mention of initiating a request in a browser independent manner. Similarly, paragraphs 52 and 74-75 also fail to disclose communication in a wireless browser independent manner but instead provide support for the concept that the MT device of Gibbons communicates on a network. Plainly, the generic disclosure of communication over a network fails to disclose the above recited feature. Thus, the cited sections of Gibbons do not support the suggestions provided in the Office Action. Furthermore, Applicants have reviewed the disclosure of Gibbons and the only mention of a browser is found in paragraph 128, provided below:

[0128] Table 3 identifies a set of possible device capabilities (functionality). In one embodiment, the capabilities of Table 3 are mandatory capabilities.

TABLE 3

<u>Device Capabilities</u>	
Capability	Description
BitsPerPixel	number of bits per pixel provided by the device LCD
Carrier	name of the carrier that uses the device
ColorCapable	whether the device LCD display supports color
CountryCode	country code for the locale
ImageCapable	whether the device LCD display supports images
InputCharSet	input character set that the device supports, such as UTF8 or Latin
LanguageCode	language code for the locale
MinimumRamInKB	minimum RAM memory residing on the device (in KB units)
OutputCharSet	output character set supported by device
PixoRunTime	pixo runtime parameter
ScreenHeight	screen height
ScreenWidth	screen width
SoftKeysCapable	whether device supports soft keys
CLDC	version of the Connected Limited Device Configuration (CLDC, Sun J2ME) supported by the device
MIDP	version of the Mobile Information Device Profile (MIDP, Sun J2ME) supported by the device
BrowserType	type of browser residing on the device, such as HTML, WAP, and CHTML
ManagerType	type of the application manager residing on the device, such as Java Application Manager (JAM)

Gibbons, ¶ 128. This section of Gibbons, however, does not support the suggestion that Gibbons initiating a request in a browser independent manner. Instead, this section of Gibbons makes it plain that a browser is included in the MT device. Therefore, Applicants respectfully submit that general statements about the MT device working on a network, in view of the actual discussion of the browser, fall short of disclosing the feature “generating by the client device in a wireless browser independent manner an initiation request...” as recited in claim 8. Furthermore, Applicant notes that in view of the plain disclosure of using a browser, it also cannot be said that Gibbons inherently discloses the above recited feature of claim 8.

In summary, at least one feature of claim 8 is simply absent from Gibbons and the suggestion that Gibbons discloses initiating a request in a browser independent manner is neither supported nor consistent with the disclosure of Gibbons. Accordingly, Gibbons fails to support a *prima facie* case of obviousness with respect to claim 8. Therefore, claim 8 is patentable in view of Gibbons.

Independent claims 1, 16, 22, 26, 30 and 32 also recite a feature similar to the feature “generating by the client device in a wireless browser independent manner an initiation request” as recited in claim 8. Therefore, claims 1, 16, 22, 26, 30 and 32 are patentable for reasons similar to the reasons for why claim 8 is patentable.

The remaining claims depend from claim 8 and or one of the independent claims 1, 16, 22, 26, 30 and 32 and therefore are patentable for at least the reasons the independent claims are patentable and for the additional features recited therein.

### **CONCLUSION**

In view of the above amendments and remarks, reconsideration of all pending claims in the application is respectfully requested. All rejections having been addressed, Applicants respectfully submit that the application is in condition for allowance and respectfully request prompt notification of the same.

If the Examiner should have any questions or if there is anything that can be readily address over the telephone, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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